

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

ROSE ARMIJO,

Plaintiff,

CV 2010 06785

v.

WALGREEN COMPANY,

Defendant.

SUMMONS

THE STATE OF NEW MEXICO

TO: Walgreen Company  
c/o CSC of Lea County, Inc., Registered Agent  
1819 N. Turner Street, Suite G  
Hobbs, New Mexico 88240

You are required to serve upon Sutin, Thayer & Browne A Professional Corporation (Ronald Segel & Timothy J. Atler) an answer or motion in response to the Complaint which is attached to this summons within THIRTY (30) DAYS after service of this summons upon you, exclusive of the date of service, and file a copy of your answer or motion with the court as provided in Rule I-005 NMRA.

If you fail to file a timely answer or motion, default judgment may be entered against you for the relief demanded in the complaint.

Attorneys for Plaintiff:

Ronald Segel  
Timothy J. Atler  
SUTIN, THAYER & BROWNE  
A Professional Corporation  
P.O. Box 1945  
Albuquerque, NM 87103  
Telephone: (505) 883-2500

WITNESS the Honorable JUDGE ALAN MALOTT, District Judge of the Second Judicial District Court of the State of New Mexico and the Seal of the District Court of Bernalillo County, this JUN 04 2010 day of June, 2010.

JUANITA M. DURAN  
CLERK OF THE DISTRICT COURT

By Juanita M. Duran  
Deputy

SEAL

JUN 04 2010

Dated: \_\_\_\_\_

## RETURN

STATE OF \_\_\_\_\_ )  
 COUNTY OF \_\_\_\_\_ )ss.  
 \_\_\_\_\_ )

I, being duly sworn, on oath, say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this Summons in \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by delivering a copy of this Summons, with a copy of the Complaint, and Court-Annexed Arbitration Certificate attached, in the following manner: (check one box and fill in appropriate blanks)

- To defendant \_\_\_\_\_ (used when defendant receives copy of Summons, or refuses to accept the Summons and Complaint, and Court-Annexed Arbitration Certificate.)
- to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service). After attempting to serve the Summons and Complaint, and Court-Annexed Arbitration Certificate on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this Summons and Complaint, and Court-Annexed Arbitration Certificate attached, in the following manner:
- To \_\_\_\_\_, a person over the age of fifteen (15) years of age and residing at the usual place of abode of Defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) copies of the Summons and Complaint, and Court-Annexed Arbitration Certificate.
- To \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the Summons and Complaint, and Court-Annexed Arbitration Certificate by First Class Mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).
- To \_\_\_\_\_, an agent authorized to receiver service of Process for defendant \_\_\_\_\_.
- To \_\_\_\_\_, (parent) (guardian)(custodian) of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person.)
- To \_\_\_\_\_ (name of person), \_\_\_\_\_ (title of person authorized to receive service), Use this alternative when the Defendant is a corporation or association subject to a suit under a common name, a land grant board of trustees, the State of new Mexico or any political subdivision.

Fees:

\_\_\_\_\_  
Signature of Person Making Service\_\_\_\_\_  
Title (if any)Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.<sup>1</sup>\_\_\_\_\_  
Judge, notary or other officer authorized  
to administer oaths\_\_\_\_\_  
Official title\_\_\_\_\_  
My Commission Expires:<sup>1</sup> If service is made by the sheriff or deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

COPY

ENDORSED

FILED IN MY OFFICE THIS

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

JUN 04 2010

ROSE ARMIJO,

*Quanita M. Duran*  
CLERK DISTRICT COURT

Plaintiff,

vs.

WALGREEN COMPANY,

Defendant,

) Case No. CV 2010 06785

RECEIVED  
MAY 2010  
CLERK'S OFFICE

### COMPLAINT FOR DAMAGES FOR INJURY

1. Plaintiff is a resident of, and acts and omissions that give rise to this case occurred in, Bernalillo County, New Mexico.
2. Defendant is the owner or occupant, and the operator, of numerous retail drug stores located in Bernalillo County, including store no. 9773 located at 10300 Central Ave. SE in Albuquerque (the "Store").
3. Plaintiff was a visitor at the Store on or about October 23, 2007.
4. On the date of her visit to the Store, defendant had a duty to use ordinary care to keep the Store, including its approaches and its main entrance, safe for use by visitors.
5. Defendant breached its duty, and negligently created or allowed to be created, and failed to take reasonable precautions to guard against or to warn visitors of, a hazard to visitors near the entrance to the Store.
6. Plaintiff tripped on the hazard, and fell and was injured.
7. As a result of defendant's negligence in creating or allowing the creation of the hazard, and in failing to take reasonable precautions to guard against or to warn visitors of the

hazard, plaintiff suffered serious personal injury, physical and emotional pain and suffering, loss of earnings, and loss of enjoyment of life, and incurred medical and related expenses.

WHEREFORE, plaintiff demands judgment against defendant for such damages as are reasonable for her injury, for pre-judgment and post-judgment interest, and for the costs of this action.

SUTIN, THAYER & BROWNE  
A Professional Corporation

By 

Ronald Segel  
Timothy J. Atler  
Attorneys for Plaintiff  
P.O. Box 1945  
Albuquerque, New Mexico 87103  
(505) 883-2500

COPY

ENDORSED  
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JUN 04 2010

Kathy M. Quan  
CLERK DISTRICT COURT

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT COURT

ROSE ARMIJO,

Plaintiff,

vs.

WALGREEN COMPANY,

Defendant.

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Case No. CV 2010 06785

*Quanita M. Quan*  
CLERK DISTRICT COURT

**COURT-ANNEXED ARBITRATION CERTIFICATE**

Pursuant to Local Rule LR-2-603, plaintiff certifies as follows:

- This party seeks only a money judgment and the amount sought does not exceed twenty five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.
- This party seeks relief other than a money judgment and/or seeks relief in excess of twenty five thousand dollars (\$25,000.00) exclusive of punitive damages, interest, costs and attorney fees.

SUTIN, THAYER & BROWNE  
A Professional Corporation

By

*Ronald Segej*  
Ronald Segej  
Timothy J. Atler  
Attorneys for Plaintiff  
P.O. Box 1945  
Albuquerque, New Mexico 87103  
(505) 883-2500